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Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Note verbale dated 28 September 2012 from the Permanent Mission of Pakistan to the United Nations addressed to the Secretariat

The Permanent Mission of Pakistan to the United Nations presents its compliments to the Secretariat and, with reference to the candidature of Pakistan for membership on the Human Rights Council for the period 2013-2015 and, in accordance with General Assembly resolution 60/251, has the honour to forward herewith a copy of the pledges and commitments of Pakistan with regard to the promotion and protection of human rights (see annex).

The Permanent Mission of Pakistan would appreciate it if the present note and its annex could be circulated as a document of the General Assembly.

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Annex to the note verbale dated 28 September 2012 from the Permanent Mission of Pakistan to the United Nations addressed to the Secretariat

Candidature of Pakistan to the Human Rights Council for the period 2013-2015

Voluntary pledges and commitments, pursuant to General Assembly resolution 60/251

1. Pakistan has presented its candidature for election to the Human Rights Council for the term 2013 to 2015 on one of the five seats allocated to Asia-Pacific States. The elections will be held during the sixty-seventh Session of the General Assembly in November 2012. The candidature has been endorsed by the Group of Asia-Pacific States. The interest of Pakistan in serving on the Human Rights Council is a reflection of its deep commitment to the cause of human rights and fundamental freedoms.

2. Pakistan is a democratic country with an elected parliament, an independent judiciary, a free media and a vibrant civil society. Together, these provide safeguards for the protection of human rights and fundamental freedoms for all citizens of Pakistan. These rights are guaranteed by the Constitution and protected by a robust legal framework.

3. Following the restoration of democracy in 2008, after nine years of military rule, Pakistan has taken a host of steps to restore the democratic nature of State institutions. Members of the superior judiciary, who had been in custody or made dysfunctional, were freed and reinstated. All political prisoners were released, civil liberties were restored, curbs against the media were lifted and legal proceedings against lawyers and human rights defenders were dropped. Today there are no political prisoners in Pakistan.

Legislative measures to promote human rights

4. Parliament has passed constitutional amendments to further strengthen democracy and human rights. The right to education (art. 25A), right to information (art. 19A) and right to fair trial (art. 10A) are now recognized as fundamental rights, which cannot be suspended.

5. During the past four years, there has been a significant advancement in the legislation on human rights issues. This includes legislation to create the National Commission for Human Rights and more than half a dozen laws for the promotion of women's rights and the protection of women against violence.

6. Some of the significant pieces of legislation include: (a) the Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011, which strengthened protections for women against discrimination and harmful traditional practices, including forced marriage, child marriage and depriving women from inheriting property; (b) the Acid Control and Acid Crime Prevention Act, 2010; (c) the Criminal Law (Amendment) Act, 2010, which criminalized harassment at public and workplaces; and (d) Protection against Harassment at the Workplace Act, 2010, which defined harassment and outlined a code of conduct for the workplace.

National commissions

7. A number of national commissions have been constituted or are in the formative phase to protect human rights of vulnerable groups.

8. In May 2012, Pakistan enacted a new law creating the independent National Commission for Human Rights in line with the Paris Principles. The Commission will monitor the general human rights situation in the country; inquire into complaints of human rights violations; visit places of detention; review laws and recommend new legislation; and develop a national plan of action for the promotion and protection of human rights. It will have the authority to summon witnesses and seek production of documents.

9. The National Commission on the Status of Women was established in 2000. In March 2012, a new law was enacted to strengthen the Commission and make it more independent. The Commission is responsible for examining policies, programmes and other measures relating to gender equality and women's empowerment; reviewing all federal laws, rules and regulations affecting the status of the rights of women; making recommendations to the federal Government on signing and ratifying international instruments; and facilitating and monitoring their implementation.

10. The National Commission for Child Welfare and Development is tasked with the assessment and promotion of child rights in Pakistan. It monitors, oversees and facilitates the implementation of the Convention on the Rights of the Child and other international and regional legal instruments on child rights. It works closely with the provinces, which have the primary responsibility to legislate and take measures for child protection.

11. The National Commission for Minorities is a forum tasked with the promotion of the religious, social and cultural rights of minorities. It actively considers and makes recommendations on issues of concern to minorities, including the review of any discriminatory policies or laws. It also hears their grievances and representations and makes recommendations for the celebration of holy days of minorities at the national and provincial levels.

12. The Commission of Inquiry on Enforced Disappearances, established under the direction of the Supreme Court of Pakistan in May 2010, is tasked with the responsibility of inquiring into complaints of enforced disappearances and overseeing the Government's efforts to recover missing persons.

Pakistan's commitment to international human rights instruments and support for the United Nations human rights machinery

13. In April 2008, Pakistan ratified the International Covenant on Economic, Social and Cultural Rights. Pakistan ratified the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in June 2010. In August 2011, Pakistan ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

14. Pakistan has now ratified seven out of nine core international human rights treaties. These measures demonstrate Pakistan's commitment to international human

rights standards. It is now focused on implementing those instruments at the national level.

15. Pakistan is a strong proponent of an effective and robust United Nations human rights machinery. As a founding member of the Human Rights Council, it has made a constructive contribution to the promotion and protection of human rights. It supports the promotion of universally agreed human rights based on the principles of cooperation, non-discrimination, impartiality and genuine dialogue. It believes that cooperative approaches at the international level help in making tangible progress in the promotion and protection of human rights.

16. As Coordinator of the Organization of Islamic Cooperation Working Group on Human Rights and Humanitarian Affairs, in Geneva, Pakistan has participated in and led major initiatives to promote intercultural dialogue and harmony and helped to develop consensus on contentious and divisive issues in the Human Rights Council. It played a leading role in forging consensus on Council resolution 16/18, entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against, persons based on religion or belief", at the sixteenth session of the Council. It has also helped in building common ground on contentious issues such as freedom of religion and freedom of expression.

17. Pakistan attaches high importance to constructive engagement and dialogue with the special procedures of the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights. It recognizes the valuable contributions of the special procedures in the promotion and protection of universally agreed human rights.

18. The High Commissioner for Human Rights visited Pakistan in June 2012 at the invitation of the Government. The Special Rapporteur on the independence of judges and lawyers visited Pakistan from 19 to 29 May 2012. The Working Group on Enforced or Involuntary Disappearances will visit Pakistan from 10 to 20 September 2012, which will be followed later in the year by a visit of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

Future commitments and voluntary pledges

19. Pakistan pledges to continue strengthening the human rights mechanisms in the country as well as the United Nations human rights machinery. In that regard, it will:

- Enhance human rights education and training in order to further promote respect for and observance of human rights in society
- Continue efforts to strengthen the implementation of the human rights treaties already ratified
- Continue to regularly evaluate national capacities in order to undertake new international obligations in the human rights domain
- Continue to work together with civil society organizations in the promotion and protection of human rights

- Continue playing an active role in the fulfilment of the objectives and principles set forth by the international community at the establishment of the Human Rights Council in 2006, and ensuring that the Council is empowered to make full use of its potential in line with those objectives and principles
- Continue contributing actively to the normative and operational work of the Council
- Continue to play an active role in the Council in order to build a body that should foster dialogue, cooperation, capacity-building and technical assistance for the promotion of human rights, with due regard to the historic, cultural and religious values of Member States and their specific socioeconomic conditions
- Continue promoting the potential of the universal periodic review as an effective mechanism of the Council for examining the human rights situations around the globe with objectivity and without selectivity
- Continue to remain constructively engaged with the special procedures of the Council
- Continue to promote dialogue and cooperation in addressing the "situations of concern" in the Council
- Continue endeavours to strengthen the Office of the United Nations High Commissioner for Human Rights as a truly independent body.